

BOARD OF GEOLOGISTS AND GEOPHYSICISTS

Specific Language

Amend section 3065 of Title 16 of the California Code of Regulations to read as follows:

3065. Professional Standards Code of Professional Conduct – Professional Geology and Geophysics.

To protect and safeguard the health, safety and welfare of the public, every person who holds ~~a registration issued by the board~~ is licensed by the board as professional geologists or geophysicists and any specialty certifications thereof, including licensees employed in any manner by a governmental entity or in private practice, shall comply with all applicable laws, codes, and regulations and shall comply with ~~professional standards in this section~~ this Code of Professional Conduct. A violation of any of the following professional standards in the practice of geology or geophysics ~~constitutes a ground for disciplinary action:~~ A violation of this Code of Professional Conduct in the practice of professional geology or geophysics constitutes unprofessional conduct and is grounds for disciplinary action pursuant to Section 7860 of the Code. This Code of Professional Conduct shall be used for the sole purpose of investigating complaints and making findings thereon under Section 7860 of the Code.

(a) Compliance with Applicable Laws:

A licensee shall provide professional geologic and geophysical services for a project in a manner that is consistent with applicable laws, codes, ordinances, rules, and regulations. A licensee may obtain and rely upon the advice of other professionals (e.g. professional engineers, professional land surveyors, attorneys, and other qualified person(s) as to the intent and meaning of such laws, codes, and regulations.

(a b) Competence:

(1) A geologist or geophysicist shall undertake to perform professional services only when he or she, together with those whom the ~~registrant~~ licensee may engage as consultants, are qualified by education, training, ~~and experience, and licensure as required by law,~~ in the specific technical and scientific areas involved.

(2) When practicing geology or geophysics, a ~~registrant~~ licensee shall act with competence and reasonable care and shall apply the technical knowledge and skill which is ordinarily applied by ~~registrants~~ licensees of good standing, practicing in this state under similar circumstances and conditions.

~~(b) Misrepresentation:~~ (c) Representations:

(1) A ~~registrant~~ licensee shall not misrepresent nor permit the misrepresentation of his or her professional qualifications, affiliations, or purposes or those of the institutions, organizations or other businesses with which he or she is associated.

(2) A ~~registrant~~ licensee may advertise or solicit for any services for which he or she is authorized by ~~registration~~ licensure provided such services are within his or her field of competence.

(3) ~~A registrant shall accurately represent to a prospective or existing client or employer his or her qualifications and the scope of his or her responsibility in connection with projects or services for which he or she is receiving or will receive compensation.~~
A licensee shall not misrepresent his or her qualifications to a prospective or existing client or employer.

(4) A licensee shall not misrepresent to a prospective or existing client the licensee's scope of responsibility in connection with projects or services for which the licensee is receiving or will receive compensation from that client.

(4 5) A ~~registrant~~ licensee shall only express professional opinions that have a basis in fact or experience or accepted geological or geophysical principles.

(5 6) A ~~registrant~~ licensee shall ~~not plagiarize the~~ attribute proper credit to others for their professional work of others and shall attribute proper credit to others for their work or professional contribution and shall not misappropriate the professional work of others.

(6 7) A ~~registrant~~ licensee shall not knowingly permit the publication or use of his or her data, reports, ~~or maps, plans, or other professional documents~~ for unlawful purposes.

(7 8) A ~~registrant~~ licensee shall not falsely or maliciously attempt to injure or in fact injure the reputation or business of others.

(8 9) A ~~registrant~~ licensee shall not misrepresent data and/or its relative significance in any geologic or geophysical report.

(10) A licensee shall not misrepresent or conceal his or her scope of responsibility in connection with projects or services for which the licensee is claiming credit or receiving compensation.

(11) When providing information in connection with a person's application for a license to practice professional geology or geophysics, a licensee shall accurately represent his or her knowledge of the applicant's qualifications.

(e d) Conflict of Interest:

(1) A registrant licensee shall not concurrently engage in any other business or occupation ~~which that~~ impairs the registrant's licensee's independence, objectivity, or creates a conflict of interest in rendering professional services.

(2) A registrant licensee shall not accept compensation for services from more than one party on a project unless the circumstances are fully disclosed and agreed to by all such parties. Such disclosure and agreement shall be in writing.

(3) If a registrant licensee has any business association or financial interest which ~~is substantial enough to~~ may influence his or her judgment in connection with the performance of professional services, the registrant licensee shall fully disclose in writing to his or her client(s) or employer(s) the nature of the business association or financial interest. If the client(s) or employer(s) object(s) to such association or financial interest, the registrant licensee shall either terminate such association or interest or offer to give up the project or employment.

(4) A registrant licensee shall not solicit or accept payments, rebates, refunds or commissions whether in the form of money or otherwise from contractors material or equipment suppliers of material, systems, or equipment in return for specifying their products or services to a client or employer of the registrant licensee.

(d e) Confidential Information:

As used in this section, "confidential information" means information ~~obtained in confidence by a registrant from his or her employer, prospective client, client or former client by reason of or in the course of his or her employment or other professional capacity~~ identified as confidential by the licensee's client, employer, or other related party. ~~No~~ Confidential information obtained by a registrant licensee, in his or her professional capacity, concerning an employer or a client, employer, or other related party shall not be disclosed by the registrant licensee without the permission of the employer or client, employer, or other related party except for the following:

(1) disclosures made in response to an order of the court or to a subpoena or summons enforceable by an order of a court;

(2) disclosures made in response to an official inquiry from a government regulatory agency;

(3) disclosures made by a registrant licensee to another registrant licensee to the extent necessary for purposes of professional consultation;

(4) disclosures made when required by law.

(5) disclosures made upon discovering an imminent geologic a hazard within the licensee's field of professional expertise which may threaten the health, safety and welfare of the public.

(6) disclosures made when providing evidence to the board regarding other licensees or unlicensed individuals who may have violated the Geologist and Geophysicist Act.

(7) disclosures made regarding illegal conduct.

(8) disclosures made in an adjudicatory proceeding.

(f) Document Submittal:

(1) A licensee shall not misrepresent the completeness of the professional documents he or she submits to a government agency.

(2) A licensee shall not misrepresent the completeness of the professional documents he or she prepared to his or her client or employer or to other involved parties.

Note: Authority cited: Sections 7818 and 7860(c)(3), Business and Professions Code.
Reference: Section 7860(c)(3), Business and Professions Code.